

BEFORE THE NATIONAL LABOR RELATIONS BOARD

In the Matter of:)	
)	
Saint Xavier University,)	
)	Case No. 13-RC-22025
Employer)	
and)	
)	
St. Xavier University Adjunct)	
Faculty Organization, IEA-NEA,)	
)	
Petitioner)	

PETITIONER’S MOTION IN OPPOSITION TO REQUEST FOR REVIEW

On June 15, 2015, the Employer filed a Motion requesting that this Board review the well-reasoned Decision of the Regional Director that was entered on June 1, 2015. Notably, under Board Regulation 102.67(c), the party seeking review must demonstrate the existing of “compelling” reasons for review. The Employer has failed to meet that burden. Indeed, its sole articulated reason for seeking review of the instant Decision by Region 13 is that this Board’s recent ruling in *Pacific Lutheran* is the “only” case applying the new rule established in *Pacific Lutheran*. Under the Employer’s theory, any time that the Board issues a case that establishes arguably new law, the case has no stand-alone value, but instead can only have relevance and binding effect if several copy-cat cases are immediately granted review thereafter. This turns the Board’s regulations on its head.

This Board’s Decision in *Pacific Lutheran* was abundantly clear; the Employer was well aware of this Board’s ruling when it was provided the opportunity (over Petitioner’s objection) to re-open the Record to present post *Pacific Lutheran* evidence. The Employer spent two days of Hearing re-hashing evidence that it provided in the first

round of hearings. The Regional Director carefully considered the Employer's evidence in both instances and each time properly found that this Board can properly assert jurisdiction over this matter.

Because the Employer has failed to identify any compelling reason for this Board to reconsider the Regional Director's Decision in this case, Petitioner respectfully requests that the Board reject the Employer's Request, and direct Region 13 to open the ballots that were cast in this matter *four* years ago.

Respectfully submitted,

Petitioner, SXU Adjunct Faculty Assn., IEA/NEA

By: s/s Laurie M. Burgess

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NOTICE OF FILING AND CERTIFICATE OF SERVICE

Laurie M. Burgess, an attorney and counsel of Record in this matter, affirms that she caused the instant Motion in Opposition to Request for Review to be filed with the NLRB this 22nd day of June by e-filing the same, and serving a copy by email upon opposing counsel: Stanley.brown@hoganlovells.com.

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